

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA,

- against -

JOHN LHOTA,

Defendant.

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**APPLICATION AND ORDER
OF EXCLUDABLE DELAY**

Docket no. 22-MJ-408

The United States of America and the defendant John Lhota hereby jointly request that the time period from August 17, 2022 to September 17, 2022 be excluded in computing the time within which

- ☒ an information or indictment must be filed, or (XW)
☐ trial of the charges against the defendant must commence. (XC)

The parties seek the foregoing exclusion of time in order because

☒ they are engaged in plea negotiations, which they believe are likely to result in a disposition of this case without trial, and they require an exclusion of time in order to focus efforts on plea negotiations without the risk that they would not, despite their diligence, have reasonable time for effective preparation for trial,

- ☐ they need additional time to investigate and prepare for trial due to the complexity of the case,
☐ other:

The defendant states that he has been fully advised by counsel of his rights guaranteed under the Sixth Amendment to the Constitution; the Speedy Trial Act of 1974, 18 U.S.C. §§ 3161-74; the plan and rules of this Court adopted pursuant to that Act; and Rule 50(b) of the Federal Rules of Criminal Procedure. The defendant understands that he has a right to be tried before a jury within a specified time not counting periods excluded.

John Lhota by Daniel Filor

John Lhota

Daniel P. Filor

Mark Lesko, *Counsel for Defendant*
Daniel P. Filor, *Counsel for Defendant*

John O. Enright
John O. Enright, for U.S. Attorney, E.D.N.Y.

The joint application of the United States of America and the defendant, having been heard at a proceeding on the date below, the time period from August 17, 2022 to September 17, 2022 is hereby excluded in computing the time within which ☒ an information or indictment must be filed or ☐ trial must commence. The Court finds that this exclusion of time serves the ends of justice and outweighs the interests of the public and the defendant in a speedy trial for the reasons discussed on the record and because

☒ given the reasonable likelihood that ongoing plea negotiations will result in a disposition of this case without trial, the exclusion of time will allow all counsel to focus their efforts on plea negotiations without the risk that they would be denied the reasonable time necessary for effective preparation for trial, taking into account the exercise of due diligence.

- ☐ they need additional time to investigate and prepare for trial due to the complexity of the case,
☐ other: _____

SO ORDERED.

**Dated: Brooklyn, New York
August 12 2022**


THE HONORABLE ROBERT M. LEVY
United States Magistrate Judge